

EXHIBIT A

PLAINTIFF'S
PETITION

IN THE CIRCUIT COURT OF LAWRENCE COUNTY, MISSOURI

TIMOTHY PENDERGRASS,)	
)	
Plaintiff,)	
)	
v.)	Case No:
)	
SELECT GENETICS, LLC)	
Serve Registered Agent:)	
CT Corporation System)	
120 South Central Avenue)	
Clayton, Missouri 63105)	
)	
Defendant.)	

PETITION FOR DAMAGES

COMES NOW plaintiff, Timothy Pendergrass, by and through his attorneys of record, Hall Ansley, P.C., and for his cause of action against Select Genetics, LLC, states, alleges and avers to the Court as follows:

PLAINTIFF

1. Plaintiff Timothy Pendergrass (hereinafter "Plaintiff") is a resident of Missouri.
2. Plaintiff's date of birth is December 16, 1969.
3. Plaintiff is over the age of forty (40) and is a protected individual under the Missouri Human Rights Act.

DEFENDANT

4. Defendant Select Genetics, LLC, (hereinafter "SG"), is a foreign corporation authorized and doing business in/under the laws of the state of Missouri. SG may be served by serving its registered agent, CT Corporation System, at the address listed in the caption.

VENUE AND JURISDICTION

5. The cause of action asserted herein sound in tort.

6. The damages suffered by Plaintiff on account of the actions of SG were first sustained in Lawrence County, Missouri.

7. Plaintiff seeks damages in excess of \$25,000.00.

8. Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights alleging age discrimination.

9. The Missouri Commission on Human Rights issued a Right to Sue Letter permitting Plaintiff to file a claim in circuit court. A true and correct copy of the Right to Sue Letter is attached hereto as Exhibit "A" and incorporated herein by reference.

10. It has been fewer than ninety (90) days since the Right to Sue Letter was first issued.

11. Pursuant to Section 506.500 RSMo. and Section 508.010(6) RSMo., this court has jurisdiction and venue in this cause.

FACTS OF THE OCCURRENCE

12. Plaintiff was the Farm Manager for SG's facility in Aurora, Missouri. Plaintiff worked on the Aurora farm for SG since 2013.

13. Plaintiff was fired on or about November 26, 2021, for allegedly not taking a long enough shower as he entered one of the barns at the Aurora facility, however, Plaintiff followed proper protocols for showering.

14. Plaintiff is aware of several situations involving individuals younger than he, including some believed to be under 40 years of age, who passed in/out of SG's barns without following SG's showering protocols.

15. Plaintiff has discussed this matter with his supervisor, Fred Lee. To Plaintiff's knowledge, he is the only employee fired for violating showering rules.

**VIOLATION OF § 213.055
(Age Discrimination)**

COMES NOW Plaintiff, Timothy Pendergrass, by and through his attorneys of record, Hall Ansley, P.C. and for his cause of action against Defendant, states, alleges and avers to the Court as follows:

16. Plaintiff restates, realleges and reavers herein all preceding paragraphs of this Petition as though they were fully stated herein in *haec verba*.

17. Plaintiff, as a person over the age of forty (40), is a protected individual pursuant to the Missouri Human Rights Act.

18. Plaintiff was subjected to a work environment that was discriminatory based on his age.

19. The decision to terminate Plaintiff's employment was because of Plaintiff's age.

20. Plaintiff is a member of a protected group and was subjected to a hostile and discriminatory work environment due to his age; a causal nexus exists between the discrimination and Plaintiff's membership in the protected group; the discrimination impacted a term, condition, or privilege of Plaintiff's employment with SG; Defendant knew or should of known of the discrimination and failed to take prompt remedial actions; Plaintiff was subsequently discharged on account of his age.

21. As a direct and proximate result of the hostility and discrimination, as described herein, Plaintiff has suffered the following:

- (a) Lost income, including but not limited to back pay, front pay and lost benefits;
- (b) Lost career opportunities, including but not limited to opportunities for advancement, status, pay and benefits; and

(c) Mental and emotional anguish defined as “garden variety” by Missouri law.

22. Pursuant to the MHRA, RSMo. §213.111, Plaintiff is entitled to and hereby requests an award of attorney’s fees and post judgment interest at the highest lawful rate on any award or verdict provided.

23. The actions of Defendant were willful, wanton, and in complete indifference to Plaintiff’s rights. These actions are sufficient to justify the award of punitive damages to deter this Defendant, and others similarly situated, from like conduct in the future.

WHEREFORE, Plaintiff prays for an award of damages against Defendant, Select Genetics, LLC, in an amount determined to be fair and reasonable; for an award of attorney’s fees; for post-judgment interest at the highest lawful rate on any judgment rendered; for punitive damages sufficient to deter this Defendant, and others similarly situated, from like actions in the future; and for such other and further relief as the Court deems just and proper.

HALL ANSLEY,
A Professional Corporation

By: /s/ Benjamin A. Stringer
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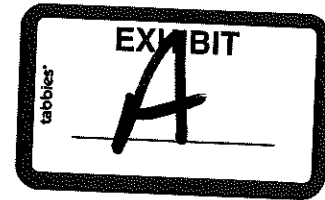
ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

22LW-CC00098

Timothy Pendergrass
17802 Lawrence 1220
Aurora, MO 65605
Via Complainant Attorney Email

NOTICE OF RIGHT TO SUE



RE: Timothy Pendergrass vs. SELECT GENETICS, LLC ET AL
E-12/21-53537 28E-2022-00261

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,

Alisa Warren, Ph.D.
Executive Director

June 2, 2022
Date

C: additional contacts listed on next page



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Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711
www.labor.mo.gov/mohumanrights E-Mail: mchr@labor.mo.gov